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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

MITCHELL GONZALEZ,

Plaintiff,

v.

BIOMET, INC.; BIOMET ORTHOPEDICS,
LLC; and BIOMET U.S.
RECONSTRUCTION, LLC,

Defendants.

Case No. 2:18-cv-01744-GMN-EJY

Honorable Gloria M. Navarro
Honorable Elayna J. Youchah.

**JOINT STIPULATION TO
CONTINUE INTERIM STATUS
REPORT DEADLINE FROM
ORIGINAL SCHEDULING ORDER
(DKT. NO. 215)**

Amended Complaint: February 7,
2014

Case Transferred: September 10, 2018

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1 Plaintiff Mitchell Gonzalez (“Plaintiff”), together with Defendants Biomet Inc.;
2 Biomet Orthopedics, LLC; Biomet U.S. Reconstruction, LLC; and Biomet Manufacturing,
3 LLC (collectively, “Biomet,” and together with Plaintiff, the “Parties”), by and through their
4 respective undersigned counsel, respectfully move the Court for an extension of the interim
5 status report deadline originally set in the first Scheduling Order issued by this Court on
6 July 15, 2019 (Dkt. No. 215), in order to be current with the newly extended discovery
7 deadlines in the Amended Scheduling Order (Dkt. No. 225). In support of their stipulation,
8 the Parties state as follows:

9 1. This case involves a variety of product liability claims against Biomet due to
10 Plaintiff’s use of the Biomet M2a Metal-on-Metal Hip Replacement System.

11 2. This case was consolidated into the United States District Court for the
12 Northern District of Indiana in the South Bend Division, where Judge Robert L. Miller, Jr.
13 presides over *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation* (MDL
14 2391), cause number: 3:12-MD-2391 (“Biomet M2a Magnum MDL”). Judge Miller
15 transferred this case to this Court on September 10, 2018. *See* Dkt. 192.

16 3. After remand, this Court issued a Scheduling Order on July 15, 2019, setting a
17 fact discovery deadline of December 13, 2019, an expert discovery deadline of March 20,
18 2020, and an interim status report deadline of January 17, 2020, among other pretrial dates.
19 Dkt. No. 215.

20 4. On November 18, 2019, this Court granted the Parties’ stipulation to extend
21 discovery deadlines, setting a new fact discovery deadline of April 10, 2020 and an expert
22 discovery deadline of August 21, 2020. Dkt. No. 225.

23 5. The Parties’ stipulation to extend discovery deadlines in November 2019
24 inadvertently did not seek an extension of the interim status report deadline, so the January
25 17, 2020 deadline for the interim status report is technically still current.

26 6. L.R. 26-3 requires the Parties to submit an interim status report proposing
27 trial-related information to the court “not later than 60 days before the discovery cut-off.”
28 The Parties have conferred and agree that discussion of trial-related proposals would be

1 better suited to a later time (but still in compliance with L.R. 26-3) in light of the newly
2 Amended Scheduling Order extending discovery deadlines. The Parties agree that they
3 need to be closer to completing discovery before focusing their efforts on trial;
4 consequently, submitting an interim status report on January 17, 2020 would be premature
5 and not helpful to the Court since discovery will not be complete for at least another 200
6 days.

7 7. The Parties therefore request that the Court approve this Stipulation and
8 extend the interim status report deadline from January 17, 2020 to June 22, 2020, which is
9 60 days from the close of discovery in this matter and is therefore compliant with L.R. 26-3.

10 8. This request does not affect a trial date, as one has not yet been set.

11 9. This request is not made for the purpose of delay.

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1 **IT IS HEREBY STIPULATED AND REQUESTED**, by and between the Parties
2 and their respective counsel, that the interim status report deadline be extended from
3 January 17, 2020 to **June 22, 2020**.
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5 Dated: January 17, 2020

FAEGRE BAKER DANIELS LLP

7 By: /s/ Theodore O'Reilly

TARIFA B. LADDON

THEODORE O'REILLY

9 Attorneys for Defendants

10 BIOMET, INC.; BIOMET ORTHOPEDICS,
11 LLC; AND

BIOMET U.S. RECONSTRUCTION, LLC

12 Dated: January 17, 2020

JAMES MORRIS LAW FIRM

13 By: /s/ James A. Morris, Jr.

JAMES A. MORRIS, JR.

15 Attorneys for Plaintiff

MITCHELL GONZALEZ

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20 **IT IS SO ORDERED:**

21 
22 UNITED STATES MAGISTRATE JUDGE

23 **DATED:** January 21, 2020
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